

REMARKS/ARGUMENTS

Claims 1-27 were examined in the Office Action, and upon entry of the present paper, claim 2 is canceled without prejudice to, or disclaimer of, the subject matter recited therein, claims 1, 4, 11 and 18 are amended, and new claims 28 and 29 are added. In the Office Action, claims 1-27 were rejected under 35 U.S.C. 102(a) as being anticipated by Rebhan et al. (WO 99/33076). Reconsideration and allowance of the instant application are respectfully requested.

I. Independent Claims 1, 11, and 18 and Dependent Claims 12-17, 19-20, and 25-27

Amended independent claim 1 recites the following steps:

receiving a request for said content at said terminal;

... and

in response to determining that said first attempt failed, second attempting to deliver the requested content to said terminal using more transmitters in said broadcast network than were used in said first attempt.

The applied reference fails to teach or suggest the claim 1 method having such steps. In rejecting claim 1, the Office Action alleged that Rebhan et al. teaches the recited second step of attempting at page 6, line 10 to page 7, line 31. In that portion of Rebhan et al., the reference refers to attempts to initially establish contact with the consumer, before any attempt is made to actually transmit the desired content. This is described in greater detail at page 21, line 9 to page 22, line 24, where Rebhan et al. describes a push system that initially tries to contact the consumer using the bidirectional network. See specifically page 21, lines 18-20. If that fails, then the Rebhan et al. system issues a general call to ask the consumer to turn on his/her bidirectional transceiver and confirm that he/she received the call. That general call, however, is

not an attempt “to deliver the requested content to said terminal using more transmitters in said broadcast network than were used in said first attempt,” as recited in amended claim 1. The Rebhan et al. general call is not the claim 1 requested content (amended claim 1 recites “receiving a request for said content at said terminal”). Importantly, neither of the cited contacts in Rebhan et al. involve attempting to deliver requested content.

Furthermore, Rebhan et al. offers its own approach to handling errors in transmitting information desired by the consumer. The consumer may demand a resend, and the Rebhan et al. system will resend, with no teaching or suggestion that the resend uses “more transmitters in said broadcast network than were used in said first attempt,” as recited in claim 1. See, e.g., page 24, line 28-34.

Amended independent claims 11 and 18 are similarly distinguishable from Rebhan et al. Amended claim 11 recites, among other features, “said first broadcast network is configured to automatically resend said requested content to said terminal using a different one of said plurality of transmitters in said first broadcast network upon determining that said content was not successfully delivered in a first transmission.” Amended independent claim 18 recites “resending said requested content to said first terminal using said different transmitter.” The Office Action relies on the same portion of Rebhan et al. to allege that these features are taught by Rebhan et al., but as described above, those portions of Rebhan et al. refer to sending a general call to initiate contact with the consumer, and not to resend requested content. When Rebhan et al. does resend the actual desired information to the consumer, its resend is a simple resend, with no teaching or suggestion of the additional features recited in these claims (e.g., using a different one of said plurality of transmitters, as recited in claim 11; and selecting a

different transmitter of said first broadcast network and resending said requested content to said first terminal using said different transmitter, as recited in claim 18.

For at least these reasons, amended independent claims 1, 11 and 18 distinguish over the applied references and are in condition for allowance. Claims 12-17, 19-20, and 25-27 each depend from one of these independent claims, and are distinguishable for at least the same reasons as their respective base claims, and further in view of the additional features recited therein. For example, claim 15 recites “wherein the location information is derived by base station triangulation.” The Office Action cites Rebhan et al. page 19, lines 14-34 as allegedly showing such base station triangulation, but there is no teaching or suggestion of such a use of base station triangulation. That portion of Rebhan mentions a transmitter frequency (lines 15-16), but that is just a single DVB transport stream frequency, with no teaching or suggestion of the recited use of base station triangulation.

II. Independent Claim 3

Independent claim 3 has not been amended herein, and recites, among other features, “a broadcast network comprising a processor operable to interrogate another network to obtain calling line identity information.” Calling line identity information is not mentioned in Rebhan et al., and the Office Action cites nothing from Rebhan et al. to specifically show such a feature. The Office Action combines its rejections of claims 2 and 3 without specifically addressing calling line identity, and if this rejection is maintained, Applicants respectfully request clarification as to what feature in Rebhan et al. is alleged to show calling line identity.

III. Independent Claim 4 and Dependent Claims 5-7 and 21-23

Amended independent claim 4 recites, among other features, the additional feature of “said transmitter location information including a lookup table cross referencing a plurality of cellular telephone cells with footprints of a plurality of transmitters in said broadcast network to identify transmitters having footprints that overlap with said cells.” The Office Action appears to cite the Rebhan et al. access information database 120 as allegedly showing this feature, but there is no teaching or suggestion that the Rebhan et al. database 120 identifies “transmitters having footprints that overlap with said cells,” as recited in amended claim 4. Rebhan et al. also refers to a lookup step 230 when handling a push request, but that step merely obtains information for initially establishing communication with a given consumer, and offers no teaching or suggestion of the recited feature.

For at least these reasons, amended independent claim 4 distinguishes over the applied reference, and is in condition for allowance. Claims 5-7 and 21-23 depend from claim 4 and are distinguishable for at least the same reasons as their base claim, and further in view of the additional features recited therein.

IV. Independent Claim 8 and Dependent Claims 9-10 and 24

Independent claim 8 has not been amended herein, and recites, among other features, the following:

a receiver operable to receive content transmitted by a selected one of a plurality of transmitters of the first network and

a further transmitter connected to a second network from which the first network derives information relating to the location of the further transmitter by the first network interrogating the second network to determine the location of the further transmitter to facilitate selection of the one transmitter, wherein said terminal is

configured to communicate with said further transmitter using a wireless data link

In rejecting claim 8 under 35 U.S.C. 102(a), the Office Action relies on the Rebhan et al. DVB receiver 190 and transceiver 192 to show the claimed terminal and further transmitter, respectively. The Office Action also cites a number of portions of Rebhan et al. to allege that Rebhan et al. expressly teaches that the DVB receiver 190 is configured to communicate with the transceiver 192 using a wireless data link. However, none of those portions actually teaches or suggests such a use of a wireless data link. Instead, those portions are the same portions cited elsewhere in the Office Action to generally describe how Rebhan et al. operates. If this rejection is maintained, Applicants request clarification as to where Rebhan et al. discloses using a wireless data link as claimed.

For at least the foregoing reason, Applicants submit that independent claim 8 distinguishes over the applied reference and is in condition for allowance. Claims 9-10 and 24 depend from claim 8 and are distinguishable for at least the same reason as their base claim, and further in view of the additional features recited therein.

V. New Independent Claim 28 and Dependent Claim 29

Newly-added independent claim 28 also distinguishes over the applied references and is in condition for allowance. For example, claim 28 recites, among other features, the following:

said mobile network obtaining a phone number for said cellular telephone using said request, accessing a home location register based on said phone number, and identifying a cell in which said cellular telephone was most recently located based on said phone number;

and

using said identified cell to identify one or more digital video broadcast transmitters having a coverage footprint that overlaps said cell;

Rebhan et al. fails to teach or suggest the claim 28 method with these steps. Indeed, Rebhan et al. relies on the information consumer's device to specifically provide details, such as the ID of a transport stream that the consumer is receiving or a frequency to use, that the Rebhan et al. transmitter can use to carry out the transmission. Page 23, lines 19-28. Rebhan et al. does not perform, and does not need to perform, the recited method of claim 28 with the quoted steps above.

New dependent claim 29 depends from claim 28, and is distinguishable for at least the same reasons as claim 28, and further in view of the additional features recited therein.

VI. Conclusion

Applicants respectfully submit that all of the pending claims 1 and 3-29 distinguish over the cited reference, and are in condition for allowance. If the Examiner feels that additional discussion and/or amendment may be needed to place the application in condition for allowance, the Examiner is invited to telephone Applicants' undersigned representative.

Respectfully submitted,

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